



Senate

General Assembly

File No. 655

February Session, 2018

Substitute Senate Bill No. 344

Senate, April 30, 2018

The Committee on Appropriations reported through SEN. OSTEN of the 19th Dist. and SEN. FORMICA of the 20th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING A MEMORANDUM OF UNDERSTANDING
AND REGULATIONS FOR ELECTRONIC SURVEILLANCE DEVICES
REQUIRED BY THE DEPARTMENT OF AGRICULTURE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) The Commissioner of
- 2 Agriculture shall enter a memorandum of understanding with
- 3 aquaculture licensees for the utilization of electronic surveillance
- 4 devices by the Department of Agriculture to monitor the locations of
- 5 such licensees. Such memorandum of understanding shall: (1)
- 6 Prescribe the conditions and requirements of utilizing such
- 7 surveillance devices, (2) provide that such monitoring is for the
- 8 purpose of assuring the safety of the products of such licensees, (3)
- 9 require any costs associated with such devices, including, but not
- 10 limited to, any service for the use of such devices, shall be paid by the
- 11 Department of Agriculture, and (4) prohibit the disclosure of any data
- 12 received or collected by the department as a result of utilizing such
- 13 devices. Such memorandum of understanding shall be effective until

14 the effective date of the regulations described in section 2 of this act.
15 Any costs of the Department of Agriculture associated with the
16 provisions of this section shall be paid from the Shellfish Management
17 account in the Department of Agriculture and the Cross Sound Cable
18 Project account in the Department of Energy and Environmental
19 Protection.

20 Sec. 2. (NEW) (*Effective from passage*) Not later than July 1, 2020, the
21 Department of Agriculture shall adopt regulations, in accordance with
22 the provisions of chapter 54 of the general statutes, to establish criteria
23 for the enforcement of any requirement that any aquaculture licensee
24 utilize an electronic surveillance device. Such regulations shall include,
25 but need not be limited to, the establishment of any applicable fees and
26 mandatory fines for violating any provisions of such regulations and
27 protocols for the storage and safeguarding of any data collected by the
28 department as a result of requiring the use of such electronic
29 surveillance devices.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: None

Explanation

The bill requires the Department of Agriculture (DoAg) to: (1) enter into a memorandum of understanding (MOU) with shellfishing licensees allowing DoAg to use electronic surveillance devices to monitor vessel locations, (2) by July 1, 2020, adopt regulations establishing criteria for enforcing that the licensees use the devices, and (3) that any costs associated with the devices, including service costs, be paid by DoAg.

This results in total costs of \$125,000 in FY 19 (including one-time equipment costs of \$10,000 to outfit the 47 vessels still requiring monitoring systems), and costs of \$115,000 in FY 20 annually and thereafter associated with ongoing monitoring system maintenance. The bill requires that costs be paid by DoAg's Shellfish Management account and the Cross Sound Cable Project account within the Department of Energy and Environmental Protection. The balance in the Shellfish Management account is \$96,000; the balance in the Cross Sound Cable Project account is approximately \$62,000.

Lastly, the bill requires that regulations by July 1, 2020 must include fees and mandatory fines for violations for enforcement of the bill's provisions. Any revenue collected for this purpose is anticipated to be minimal since vessels would be expected to comply with the new monitoring system.

The Out Years

The annualized ongoing fiscal impact described above would continue into the future subject to inflation and the cost of ongoing maintenance.

OLR Bill Analysis**sSB 344*****AN ACT CONCERNING A MEMORANDUM OF UNDERSTANDING AND REGULATIONS FOR ELECTRONIC SURVEILLANCE DEVICES REQUIRED BY THE DEPARTMENT OF AGRICULTURE.*****SUMMARY**

This bill requires the Department of Agriculture (DoAg) commissioner to enter into a memorandum of understanding (MOU) with aquaculture (e.g., shell fishing) licensees for DoAg to use electronic surveillance devices to monitor their locations.

The bill also requires DoAg, by July 1, 2020, to adopt regulations establishing criteria for enforcing a requirement that the licensees use the devices. The regulations must establish (1) any applicable fees and mandatory fines for violations and (2) protocols for storing and safeguarding data collected from the devices.

Under the bill, the MOU is effective until the regulations take effect. The bill requires that the MOU:

1. set conditions and requirements for using the devices;
2. state that the monitoring's purpose is to assure the safety of the licensees' products;
3. require any cost associated with the devices to be paid by DoAg, including any service cost for their use; and
4. prohibit DoAg from disclosing any data it receives or collects from the devices.

The bill specifies that DoAg's costs associated with using the electronic surveillance devices must be paid from the department's Shellfish Management account and the Department of Energy and

Environmental Protection's Cross Sound Cable Project account.

EFFECTIVE DATE: Upon passage

BACKGROUND

Legislative History

The Senate referred the bill (File 117) to the Appropriations Committee, which reported a substitute that specifies which accounts must fund DoAg's costs related to using the electronic surveillance devices.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/14/2018)

Appropriations Committee

Joint Favorable Substitute

Yea 52 Nay 0 (04/17/2018)